

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ANDERSON SCRUBB,

Petitioner,

- against -

THOMAS LAVALLEY,

Respondent.
-----X

AMON, Chief United States District Judge

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ APR 30 2014 ★

BROOKLYN OFFICE

NOT FOR PUBLICATION
MEMORANDUM & ORDER
10-CV-03286 (CBA) (JO)

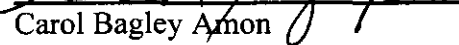
Pro Se Petitioner Anderson Scrubb ("Scrubb") filed a petition for a writ of habeas corpus on July 11, 2010. (DE # 1.) This Court referred the petition to Magistrate Judge James Orenstein who issued a Report and Recommendation ("R&R") on August 1, 2013. (DE # 9.) Scrubb failed to object to the R&R, and on September 30, 2013, this Court adopted Magistrate Judge Orenstein's R&R. (DE # 12.) On October 11, 2013, Anderson Scrubb filed a notice of appeal (DE # 16) and on October 31, 2013, Scrubb filed a motion pursuant to Rule 60(b)(3)(6) of the Federal Rules of Civil Procedure seeking to vacate the judgment dismissing his petition, claiming that he did not receive a copy of the R&R (DE # 17). Although the government offered proof that the R&R was mailed (DE # 15), in an order dated November 11, 2013, this Court informed the Second Circuit that it was inclined to grant Scrubb's motion and vacate the judgment in order to provide Scrubb an opportunity to object to the R&R (DE # 18). On March 31, 2014, the Second Circuit remanded the case back to this Court for further proceedings (DE # 19), though the mandate was not docketed until April 28, 2014 (DE # 23). After the Second Circuit remanded the case, but before the mandate issued, Scrubb twice requested an extension of time to respond to the R&R. (DE # 20, 22.)

The Court will now consider Scrubb's motion for reconsideration on the merits. Scrubb shall file any papers supporting his Rule 60(b) motion and objecting to the R&R by May 29, 2014. The government shall file any response by June 30, 2014.

SO ORDERED.

Dated: Brooklyn, New York
April 29, 2014

s/Carol Bagley Amon


Carol Bagley Amon
Chief United States District Judge